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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,244	08/10/1999	PIERGIORGIO BENUZZI	BUG2106	4118

7590 10/02/2007  
FAY SHARPE BEALL  
FAGAN MINNICH & MCKEE  
1100 SUPERIOR AVENUE  
SUITE 700  
CLEVELAND, OH 44114

EXAMINER
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FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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10/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/367,244

Applicant(s)

BENUZZI, PIERGIORGIO

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5,6,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,6,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to applicant's amendment received on 07/12/07.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ess (4,392,401) in view of Schulze et al. (5,701,791).

Ess discloses the invention substantially as claimed including a horizontal table 12, at least one movable device 15, a feed direction (see Fig. 4), a direction opposite to the feed direction (see Fig. 6) a sawing device 10 and a plurality of pickup elements 17. Ess doesn't show first drive means and second drive means. However, Schulze et al. teaches the use of first drive means 16 and second drive means 27 (see col. 6, lines 64-67) for the purpose of allowing accelerated processing of the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Ess by providing the first drive means and second drive means as taught by Schulze et al. in order to obtain a device that allows accelerated processing of the workpiece. Regarding claim 6, the

Art Unit: 3724

pickup elements 43 of Schulze et al. are movable up and down in a vertical direction by clamping piston 40.

4. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze et al. (5,701,791) in view of Ess (4,392,401).

Schulze et al. discloses the invention substantially as claimed including a support surface 9, a movable device 10, a first direction 12 (see Fig. 2, the arrow 12 pointing to the right), a second direction 12 (see Fig. 2, the arrow 12 pointing to the left), a plurality of pickup elements 20 and the pickup elements adapted to selectively grip and retain the panel (see Fig. 1-2). Schulze et al. doesn't show a sawing device. However, Ess teaches the use of a sawing device 10 for the purpose of cutting the panel in multiple pieces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Schulze et al. by providing the sawing device as taught by Ess in order to obtain a device that cuts the panel in multiple pieces. First and second pickup elements 20 of Schulze et al. are capable of performing the intended use of moving in both the first and second directions relative to the movable device while in their respective gripping position (see col. 6, lines 32-35, where the pickup elements 20 is in a gripping position all time and only the pickup elements 20 are temporary open to allow the processing of the edges of the panel 5 when the operation requires to process the edges).

***Response to Arguments***

5. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues claims 20 are not movable relative to the cross rail 14. However, Schulze's claims 20 are movable relative to the movable device 10, which is analogous with the movable device 15 of Ess. Also, Clamps 20 are not rigidly connected to the cross rail 14, only the housing 19 is rigidly connected. See col. 6, lines 21-24, where the clamps move relative to the housing which at the same time moves relative to the cross rail in the direction of the double arrow 12.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3724

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507.

The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ofs  
9/20/07



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER